

## REMARKS/ARGUMENTS

Claims 1-20 remain in the case. Claims 1, 3, 5, 9, 11, 15, 16, 19 and 20 have been amended. Claims 21-23 are newly presented.

### Claim Objections

Claims 11 and 12 were objected to as depending from a rejected base claim. Claim 11 is rewritten herein in independent form including all of the limitations of the base claim and any intervening claims. Claim 11 is now believed to be allowable.

Claim 12 is allowable as depending from now allowable claim 11.

### Claim Rejections Under 35 USC § 102

Claims 1-10, 13 and 14 were rejected under 35 USC § 102(b) as being anticipated by US Patent 1,688,765 to Veras.

The invention as presently recited in claim 1 is patentable over Veras which teaches a support for a bottle that is pivotally supported on one end of a rod 6 to be adjustable on an axis transverse to the rod 6. The support is a pair of curved bottle support strips 10 mounted on the end of the rod 6 by brackets 12. Lines 61-79.

Coil springs 15 are interposed between the ends 11 of the curved strips 10 and the brackets 12 so that the bottle support strips 10 are adjustable in angular relation to the arm 6 and retained in position by the springs 15. Lines 79-88.

The present invention recited in claim 1 is a tool bracket having a holder structured to engage an elongated portion of a tool, the holder has a tool engaging structure formed along a rotational axis that is common with a rotational axis of a mounting base, with the tool engaging structure being joined for rotation relative to the mounting base about the common rotational axis. A resilient biasing member is structured to promote rotation between the holder and the mounting base about the common rotational axis of the tool engaging structure and mounting base.

The invention as currently recited in claim 1 is not anticipated by Veras. As illustrated in Figure 1, Veras teaches the rod 6 is formed along its own longitudinal axis. If the bottle support strips 10 can be said to be formed along an axis, they are formed along the axis of symmetry which passes between the two bottle support strips 10 and their respective reduced ends 11. Therefore, the

bottle support strips 10 and rod 6 are not both formed along a common axis of rotation, as presently recited in claim 1.

Furthermore, Veras teaches the bottle support strips 10 are rotatable only about an axis transverse to the rod 6. Lines 61-65. This transverse axis of rotation is represented in Figure 1 by the screw 16 that joins the reduced ends 11 of the bottle support strips 10 to the rod 6. Therefore, as illustrated in Figure 1, the bottle support strips 10 cannot rotate about their axis of symmetry, and the rod 6 cannot rotate about its longitudinal axis.

Therefore, as taught by Veras, the bottle support strips 10 and rod 6 cannot rotate about a common rotational axis along which they are commonly formed, as presently recited in claim 1.

In contrast to the Veras device, the tool engaging structure of the present invention is first: formed about a rotational axis that is common with the mounting base, and second: the tool engaging structure is rotatable about the same axis that is common with the mounting base. Thus, relative to the mounting base, the tool engaging structure of the present invention is formed (1) about an axis that passes through both the mounting base and the tool engaging structure, and (2) is rotatable about the same axis relative to the mounting base.

In contrast to the tool engaging structure of the present invention, the bottle support strips 10 as taught by Veras is formed about a first longitudinal axis of the rod 6, but is rotatable only about a second transverse axis.

Furthermore, the device of Veras would not operate as intended if the bottle support strips 10 and the rod 6 were formed and rotated about one and the same axis, as is recited in claim 1. The device of Veras can operate as intended only when the bottle support strips 10 can rotate about an axis transverse to both the rod 6 and the bottle support strips 10.

Therefore, the rotatable bottle support strips 10 of Veras cannot anticipate the tool engaging structure of the present invention that is formed about a rotational axis that is common with the mounting base, and the tool engaging structure and mounting base are rotatable about the same axis.

Furthermore, in contrast to the device of Veras, the resilient biasing member of the present invention is structured to promote rotation about the same rotational axis about which the tool engaging structure and mounting base are formed and subsequently rotate. In contrast, Veras teaches

only a single set of coil springs 15 that are positioned about the transverse axis of the rod 6 for retaining the bottle support strips 10 in angular relation to the arm 6 after the bottle support strips 10 have been rotated about the rod's transverse axis.

For at least the above reasons claim 1 is now believed to be allowable. Claims 2 and 4-8 are allowable as depending from now allowable claim 1.

Claim 3 is amended to depend from allowable claim 1 whereby the rejection is made moot.

Amended claim 9 differs in scope from allowable claim 1. However, the above arguments directed to claim 1 are sufficiently applicable to claim 9 as to make repetition unnecessary. Thus, for each of the reasons above, claim 9 is believed to be allowable.

Claims 15-20 were rejected under 35 USC § 102(b) as being anticipated by US Patent 5,839,632 to Koday.

The invention as presently recited in claim 15 is patentable over Koday which teaches a bicycle bottle holder 1 comprising a main support member 2 and front support member 3, which makes up the cage of the holder. Column 2, lines 26-29. A main plate 7 is welded to the sides of main support 2. At the center of plate 7 is a hole 15 for the insertion of pin 6 which supports a spring 9 and within a sleeve 10. The ends of spring 9 extend into a hole 8 in the main plate 7 and a hole 12 in the mounting plate 11. Column 2, lines 43-48.

The present invention recited in claim 15 is a bracket for securing a tool having an elongated portion, the bracket including a means for attaching to an external structure and a means for engaging a tool that are both formed along a single common axis of rotation for mutual relative rotation about the common axis, and a rotational biasing means.

The invention as currently recited in claim 15 is not anticipated by Koday. Rather, in contrast to the attaching means and the tool engaging means being formed along a single common axis of rotation as recited in the present invention, as illustrated in all the Figures 1-4, Koday teaches a main support 2 and a mounting plate 11 which are both formed along different axes, and the different axes are both transverse to the axis of rotation which passes through the interconnecting pin 6.

As illustrated in all the Figures 1-4, the main support 2 is formed along a first axis of symmetry that passes between the arms and openings 27 and 28 at the lower end of main support member 2 and through the pin hole 15 in the center of plate 7. The mounting plate 11 is formed

along a second different axis of symmetry that passes through the pin hole at its center and the attaching holes 33 and 34. Thus, in contrast to the attaching means and tool engaging means of the present invention, the main support 2 and mounting plate 11 are formed along different axes of symmetry.

Furthermore, in contrast to the attaching means and tool engaging means of the present invention, as taught by Koday the different axes of symmetry are both crosswise to the axis of rotation which passes through the interconnecting pin 6.

For at least the above reasons claim 15 is now believed to be allowable. Claims 17 and 18 are allowable as depending from now allowable claim 15.

Claim 16 is amended to depend from allowable claim 15 whereby the rejection is made moot.

Amended claim 19 differs in scope from allowable claim 15. However, the above arguments directed to claim 15 are sufficiently applicable to claim 19 as to make repetition unnecessary. Thus, for each of the reasons above, claim 19 is believed to be allowable.

Claim 20 is allowable as depending from now allowable claim 19.

#### Allowable Subject Matter

Claims 11 and 12 were objected to as being dependent upon a rejected base claim, but were found to contain allowable subject matter. Claim 11 has been rewritten in independent form including all of the limitations of the base claim. Claim 11 is now believed to be allowable.

Claim 12 is now allowable as depending from allowable claim 11.

#### Newly Presented Claims

Newly presented claim 21 differs in scope from allowable claim 11. However, the above subject matter of claim 21 is sufficiently similar to the allowable subject matter of claim 11 as to make argument unnecessary. Thus, because claim 21 is believed to contain allowable subject matter, claim 21 is believed to be allowable.

Newly presented claims 22 and 23 are allowable as depending from allowable claim 21.

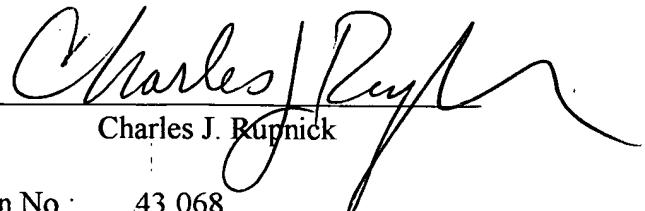
The claims now being in form for allowance, reconsideration and allowance is respectfully requested.

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If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

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